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| APPLICATION NO | FILING DATE | FIRST NAME/INVENTOR | ATTORNEY DOCKET NO | CONFIRMATION NO |
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| 09 767,922 | 01 23 2001 | Kazuhito Hoshino | 09792909-4750 | 1439 |

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SONNENSCHN NATH & ROSENTHAL
P.O. BOX 061080
WACKER DRIVE STATION
CHICAGO, IL 60606-1080

EXAMINER

GLASS, CHRISTOPHER W

ART UNIT PAPER NUMBER

2878

DATE MAILED 01 22 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,922

Applicant(s)

HOSHINO, KAZUHIRO

Examiner

Christopher W. Glass

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 30 September 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of.
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 4) ☐ Inter-Examiner Summary (PTO 413, Paper No. _____)

Art Unit: 2878

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,172,361 to Holberg et al. (hereafter Holberg), in view of U.S. Patent No. 6,266,197 to Glenn et al. (hereafter Glenn).

Regarding claims 1,2,4, and 5: Holberg shows in Figures 2A and 3A an image pickup device, including a light-transmissible board **101** (comprising aperture **301**) having a wiring pattern **302,203,204** formed on one surface thereof. An image pickup element **201** having a photodetecting portion **202** formed on the same surface is also disclosed, the image pickup element **201** being mounted in flip-chip style (via bumps **204** and contacting pads **302**) on the one surface of the light-transmissible board **101** so that the photodetecting portion **202** of the image pickup element is opposed to an area where the wiring pattern **203,204,302** is not formed.

of the light-transmissible board **101** so as to be located above the photodetecting portion **202** of

Art. Unit: 2878

the image pickup element **201** (see Column 3, lines 38-41). The light transmissible board **101**, which comprises the aperture **301**, is not specifically taught as containing an optical filter. However, it is well known in the art to provide filters in one or more layers of light-transmissible boards in image pickup device packages. Figure 2 of Glenn et al '197 shows a light transmissible board **122** which can contain an infrared rays cutting filter **1812** (Fig. 18A). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Holberg by providing one or more infrared-filtering layers in the aperture **301** of the light transmissible board **101** disposed above the image pickup element **201**, since it is well known in image pickup device construction to filter certain aspects of incident light through this method, as shown by Glenn '197. Also, the fact that the preamble of claims 4 and 5 states that the device is part of a camera system or camera module is considered the intended use of the device and is not given patentable weight. There is no structure provided in the body of the claims to define the exact device in which the invention would be used.

Regarding claim 3: As shown by Figure 3C of Holberg, the image pickup element **201** is sealed with "a layer **303** of epoxy or similar sealant" (Column 3, lines 38-39). It therefore would have been obvious to use resin, and to apply this resin to a peripheral edge of the image pickup element, in order to hermetically seal all active areas of element from stray contaminants such as unwanted dirt or radiation, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of

Art Unit: 2878

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher W. Glass whose telephone number is 703-305-1980. The examiner can normally be reached 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached at 703-308-4852. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

cg
January 16, 2003

STEPHON ALLEN
PRIMARY EXAMINER